




IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICANT : Jackowski et al.
INVENTION : Apolipoprotein Biopolymer Markers
Predictive of Alzheimer's Disease
SERIAL NUMBER : 10/020,008
FILING DATE : December 13, 2001
EXAMINER : Cook, Lisa V.
GROUP ART UNIT : 1641
OUR FILE NO. : 2132.089

CERTIFICATE UNDER 37 CFR 1.8(a)

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DECLARATION UNDER 37 CFR § 1.132

I, Ferris H. Lander, do hereby declare as follows:

1. I am a registered Patent Agent and am authorized to represent the inventor's and assignee in the application entitled "Apolipoprotein Biopolymer Markers Predictive of Alzheimer's Disease", having U.S. Application Serial No. 10/020,008, filed December 13, 2001.

2. In the Final Office Action mailed on July 29, 2005, claim 1 (as presented on May 9, 2005) was rejected under 35 USC 101 because the claimed invention allegedly is not supported by either

a specific, substantial, credible or asserted utility or a well-established utility. Claim 1 was also rejected under 35 U.S.C. 112, first paragraph because the claimed invention allegedly contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

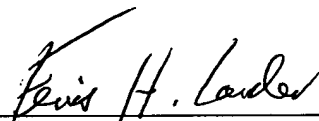
Specifically, the Examiner asserts that Figure 1 does not exemplify differential expression of the claimed peptide (SEQ ID NO:3) between Alzheimer's disease patients and patients age matched with the Alzheimer's disease patients; thus, a link or association between the claimed sequence (SEQ ID NO:3) and Alzheimer's disease is not shown in the disclosure.

3. The attached figure was produced by scanning the original photograph of the gel. The figure is entitled "HiS 1(scrub) AD vs. Age Matched AD (control)" and represents Figure 1 as originally filed. No new matter has been added; this figure is simply a clearer copy of Figure 1 as originally filed and is provided to clarify the differential expression of the claimed biopolymer marker (SEQ ID NO:3); i.e., to clarify the presence of Band 6 (from which the claimed peptide, SEQ ID NO:3, was isolated) in samples obtained from patients age matched with the Alzheimer's disease patients and the absence of Band 6 in samples obtained from Alzheimer's disease patients. The gel shown in the figure does not represent new experimentation; the figure shows a clearer image of the original gel made at the time that the experiments described

in the instant specification were first carried out.

The undersigned declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the Application or any patent issuing thereon.

11-28-2005
Date



Ferris H. Lander
Reg. No. 43,377

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